IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Bail Appl..No. 6459 of 2007

(CRIME NO. 610/2007 OF CHALAKUDY POLICE STATION)

PETITIONER/ACCUSED

RINEESH, S/O.VARGHESE,
25 YEARS, CHIRAYATH HOUSE, PARIYARAM VILLAGE,
MOTHIRAKANNY, THRISSUR.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6459 of 2007

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Dated this the 24th day of October, 2007

ORDER

Application for regular bail. The petitioner, a 21 year young man (the prosecution alleges that he is 25 years of old) is alleged to have had sexual intercourse with a girl belonging to Schedule Caste below the age of consent. She was allegedly only 14 years of age. She was a student of the high school. The petitioner was a cleaner of a bus. They are alleged to have intimacy. That resulted in three instances of sexual intercourse. Even admittedly the sexual intercourse was with consent, but the said consent is not consent in law, the girl being below the age of consent, that is below 16 years. The petitioner was arrested on 24.9.07 and he continues in custody from that date.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the Investigators are granted reasonable further time to complete the investigation and I am satisfied that the petitioner can now be directed to be enlarged on bail subject to appropriate conditions.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on bail on the strength of

this order prior to 1.11.2007. The Investigating Officer shall, in the meantime, make every endeavour to complete the investigation.

ii) The petitioner shall execute a bond for Rs.50,000/- (Rupees Fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE